



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3815

by Rep. David Reis

SYNOPSIS AS INTRODUCED:

415 ILCS 60/9	from Ch. 5, par. 809
415 ILCS 60/10	from Ch. 5, par. 810
415 ILCS 60/11.1	from Ch. 5, par. 811.1
415 ILCS 60/12	from Ch. 5, par. 812
415 ILCS 60/13	from Ch. 5, par. 813

Amends the Illinois Pesticide Act. Provides that a licensed commercial applicator shall maintain throughout the licensure period evidence of financial responsibility protecting persons who may suffer personal injury or property damage or both as a result of the pesticide operation of the applicant. Makes changes to license and registration fees. Makes changes to the license and registration terms.

LRB099 10702 MGM 30977 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pesticide Act is amended by
5 changing Sections 9, 10, 11.1, 12, and 13 as follows:

6 (415 ILCS 60/9) (from Ch. 5, par. 809)

7 Sec. 9. Licenses and pesticide dealer registrations
8 requirements; certification.

9 (1) Licenses and pesticide dealer registrations issued
10 pursuant to this Act as a result of certification attained in
11 calendar year 2016 or earlier shall be valid for the calendar
12 one year in which they were issued, except that private
13 applicator licenses shall be valid for the calendar year in
14 which it was issued plus 2 additional calendar years ~~3 years.~~

15 All licenses and pesticide dealer registrations shall expire on
16 December 31 of the year in which it is to expire. A license or
17 pesticide dealer registration in effect on the 31st of
18 December, for which renewal has been made within 60 days
19 following the date of expiration, shall continue in full force
20 and effect until the Director notifies the applicant that
21 renewal has been approved and accepted or is to be denied in
22 accordance with this Act. The Director shall not issue a
23 license or pesticide dealer registration to a first time

1 applicant or to a person who has not made application for
2 renewal on or before March 1 following the expiration date of
3 the license or pesticide dealer registration until such
4 applicant or person has been certified by the Director as
5 having successfully demonstrated competence and knowledge
6 regarding pesticide use. The Director shall issue a license or
7 pesticide dealer registration to a person that made application
8 after March 1 and before April 15 if that application is
9 accompanied by a late application fee. A licensee or pesticide
10 dealer shall be required to be recertified for competence and
11 knowledge regarding pesticide use at least once every 3 years
12 and at such other times as deemed necessary by the Director to
13 assure a continued level of competence and ability. The
14 Director shall by regulation specify the standard of
15 qualification for certification and the manner of establishing
16 an applicant's competence and knowledge. A certification shall
17 remain valid only if an applicant attains licensure or
18 pesticide dealer registration during the calendar year in which
19 certification was granted and the licensure is maintained
20 throughout the 3-year certification period.

21 (2) Multi-year licenses and pesticide dealer registrations
22 issued pursuant to this Act as a result of certification
23 attained in calendar year 2017 or thereafter shall be valid for
24 the calendar year in which they were issued plus 2 additional
25 calendar years. All licenses and pesticide dealer
26 registrations shall expire on December 31 of the year in which

1 they are to expire. A license or pesticide dealer registration
2 in effect on the 31st of December, for which recertification
3 and licensure has been made within 60 days following the date
4 of expiration, shall continue in full force and effect until
5 the Director notifies the applicant that recertification and
6 licensure has been approved and accepted or is to be denied in
7 accordance with this Act. A licensee or pesticide dealer shall
8 be recertified for competence and knowledge regarding
9 pesticide use at least once every 3 years and at such other
10 times as deemed necessary by the Director to assure a continued
11 level of competence and ability. The Director shall specify by
12 rule the standard of qualification for certification and the
13 manner of establishing an applicant's competence and
14 knowledge. A certification shall remain valid only if an
15 applicant attains licensure or pesticide dealer registration
16 during the calendar year in which certification was granted and
17 the licensure is maintained throughout the 3-year
18 certification period.

19 (3) The Director may refuse to issue a license or pesticide
20 dealer registration based upon the violation history of the
21 applicant.

22 (Source: P.A. 98-923, eff. 1-1-15.)

23 (415 ILCS 60/10) (from Ch. 5, par. 810)

24 Sec. 10. Commercial Applicator License. No commercial
25 applicator shall use or supervise the use of any pesticide

1 without a commercial license issued by the Director. For the
2 years preceding the year 2001, the Director shall require an
3 annual fee for commercial applicator license of \$35. For the
4 years 2001, 2002, 2003, 2004, 2005, and 2006, the annual fee
5 for a commercial applicator license is \$45. For the years 2007
6 and thereafter, the annual fee for a commercial applicator
7 license is \$60. Notwithstanding the other provisions of this
8 Section, beginning with the 2017 calendar year, the fee for a
9 multi-year commercial applicator license shall be \$180. The
10 late application fee for a commercial applicator license shall
11 be \$20 in addition to the normal license fee. A commercial
12 applicator shall be assessed a fee of \$10 ~~\$5~~ for a duplicate
13 license.

14 1. Application for the commercial applicator license shall
15 be made in writing on designated forms available from the
16 Director. Each application shall contain information regarding
17 the applicants qualifications, nature of the proposed
18 operation, classification of license being sought, and shall
19 include the following:

20 A. The full name of the applicant.

21 B. The address of the applicant.

22 C. Any necessary information prescribed by the
23 Director on the designated application form.

24 2. An applicant for a license shall demonstrate competence
25 and knowledge regarding pesticide use in accordance with
26 Section 9 of this Act.

1 3. A licensed commercial applicator shall ~~must~~ provide to
2 the Director at the time of original licensing and shall
3 maintain throughout the licensure period ~~license renewal~~
4 evidence of financial responsibility protecting persons who
5 may suffer personal injury or property damage or both as a
6 result of the pesticide operation of the applicant in either of
7 the following manners:

8 A. Evidence of responsibility may be provided in the
9 form of a surety bond for each licensed commercial
10 applicator naming the licensed commercial applicator as
11 principal of the bond. The amount of the bond shall be not
12 less than \$50,000 per year. It is permissible to provide
13 two bonds; one for \$25,000 for bodily injury liability and
14 the second for \$25,000 for property damage liability. The
15 bond or bonds shall be made payable to the Director of
16 Agriculture, State of Illinois, for the benefit of the
17 injured party and shall be conditioned upon compliance with
18 the provisions of this Act by the principal, his or her
19 officers, representatives and employees; or

20 B. Evidence of responsibility may be provided in the
21 form of a certificate of liability insurance providing
22 coverage for each licensed commercial applicator or
23 licensed entity in the amount of not less than \$50,000 per
24 person, \$100,000 per occurrence bodily injury liability
25 coverage, with an annual aggregate of not less than
26 \$500,000, and \$50,000 per occurrence property damage

1 liability, with an annual aggregate of not less than
2 \$50,000; or, in lieu thereof, a combined single limit of
3 not less than \$100,000 bodily injury and property damage
4 liability combined, with an annual aggregate of not less
5 than \$500,000.

6 4. Every insurance policy or bond shall contain a provision
7 that it will not be cancelled or reduced by the principal or
8 insurance company, except upon 30 days prior notice in writing
9 to the Director of the Department at the Springfield, Illinois
10 office and the principal insured. A reduction or cancellation
11 of policy shall not affect the liability accrued or which may
12 accrue under such policy before the expiration of the 30 days.
13 The notice shall contain the termination date. Upon said
14 reduction or cancellation, the Director shall immediately
15 notify the licensee that his or her license will be suspended
16 and the effective date until the minimum bond or liability
17 insurance requirements are met by the licensee for the current
18 license period.

19 5. Nothing in this Act shall be construed to relieve any
20 person from liability for any damage to persons or property
21 caused by use of pesticides even though such use conforms to
22 label instructions and pertinent rules and regulations of this
23 State.

24 6. The Director may renew any applicant's license in the
25 classifications for which such applicant is licensed, subject
26 to requalification requirements imposed by the Director.

1 Requalification standards shall be prescribed by regulations
2 adopted pursuant to this Act and are required to ensure that
3 the licensed commercial applicator meets the requirements of
4 changing technology and to assure a continued level of
5 competence and ability.

6 7. The Director may limit the license of an applicant to
7 allow only the use of certain pesticides in a delimited
8 geographic area, or to the use of certain application
9 techniques or equipment. If a license is not issued as applied
10 for, the Director shall inform the applicant in writing of the
11 reasons and extend an opportunity for the applicant to complete
12 the requirements for the license desired.

13 8. For the purpose of uniformity, the Director may enter
14 into agreements for accepting standards of qualification of
15 other states as a basis for licensing commercial applicators.

16 (Source: P.A. 89-94, eff. 7-6-95; 90-205, eff. 1-1-98.)

17 (415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

18 Sec. 11.1. Public and Commercial Not-for-Hire License. No
19 public or commercial not-for-hire applicator shall use or
20 supervise the use of any pesticide without a license issued by
21 the Director. For the years 2011 and thereafter, the public or
22 commercial not-for-hire pesticide applicator license fee shall
23 be \$20. Notwithstanding the other provisions of this Section,
24 beginning with the 2017 calendar year, the fee for a multi-year
25 public or commercial not-for hire pesticide applicator license

1 shall be \$60. The late application fee for a public or
2 commercial not-for-hire applicator license shall be \$20 in
3 addition to the normal license fees. A public or commercial
4 not-for-hire applicator shall be assessed a fee of \$10 ~~\$5~~ for a
5 duplicate license.

6 1. Application for certification as a commercial
7 not-for-hire pesticide applicator shall be made in writing on
8 designated forms available from the Director. Each application
9 shall contain information regarding the qualifications of the
10 applicant, classification of certification being sought, and
11 shall include the following:

12 A. The full name of the applicant.

13 B. The name of the applicant's employer.

14 C. The address at the applicant's place of employment.

15 D. Any other information prescribed by the Director on
16 the designated form.

17 2. The Director shall not issue a certification to a
18 commercial not-for-hire pesticide applicator until the
19 individual identified has demonstrated his competence and
20 knowledge regarding pesticide use in accordance with Section 9
21 of this Act.

22 3. The Director shall not renew a certification as a
23 commercial not-for-hire pesticide applicator until the
24 applicant reestablishes his qualifications in accordance with
25 Section 9 of this Act or has met other requirements imposed by
26 regulation in order to ensure that the applicant meets the

1 requirements of changing technology and to assure a continued
2 level of competence and ability.

3 4. Application for certification as a public pesticide
4 applicator shall be made in writing on designated forms
5 available from the Director. Each application shall contain
6 information regarding qualifications of applicant,
7 classification of certification being sought, and shall
8 include the following:

9 A. The full name of the applicant.

10 B. The name of the applicant's employer.

11 C. Any other information prescribed by the Director on
12 the designated form.

13 5. The Director shall not issue a certificate to a public
14 pesticide applicator until the individual identified has
15 demonstrated his competence and knowledge regarding pesticide
16 use in accordance with Section 9 of this Act.

17 6. The Director shall not renew a certification as a public
18 pesticide applicator until the applicant reestablishes his
19 qualifications in accordance with Section 9 of this Act or has
20 met other requirements imposed by regulation in order to ensure
21 that the applicant meets the requirements of changing
22 technology and to assure a continued level of competence and
23 ability.

24 7. Persons applying general use pesticides, approved by the
25 Inter-Agency Committee on the Use of Pesticides, to scrap tires
26 for the control of mosquitoes shall be exempt from the license

1 requirements of this Section.

2 (Source: P.A. 96-1310, eff. 7-27-10.)

3 (415 ILCS 60/12) (from Ch. 5, par. 812)

4 Sec. 12. Licensed Operator. No pesticide operator shall use
5 any pesticides without a pesticide operator license issued by
6 the Director.

7 1. Application for an operator license shall be made in
8 writing on designated forms available from the Director. Each
9 application shall contain information regarding the nature of
10 applicants pesticide use, his qualifications, and such other
11 facts as prescribed on the form. The application shall also
12 include the following:

13 A. The full name of applicant.

14 B. The address of the applicant.

15 C. The name of and license/certification number of the
16 pesticide applicator under whom the applicant will work.

17 2. The Director shall not issue a pesticide operator
18 license until the individual identified has demonstrated his
19 competence and knowledge regarding pesticide use in accordance
20 with Section 9 of this Act.

21 3. The Director shall not issue an operator license to any
22 person who is unable to provide the name and
23 license/certification number of an applicator under whom the
24 operator will work.

25 4. For the years preceding the year 2001, a licensed

1 commercial operator working for or under the supervision of a
2 certified licensed commercial pesticide applicator shall pay
3 an annual fee of \$25. For the years 2001, 2002, and 2003, the
4 annual fee for a commercial operator license is \$30. For the
5 years 2004, 2005, and 2006, the annual fee for a commercial
6 operator license is \$35. For the years 2007 and thereafter, the
7 annual fee for a commercial operator license is \$40.
8 Notwithstanding the other provisions of this paragraph,
9 beginning with the 2017 calendar year, the fee for a multi-year
10 commercial operator license shall be \$120. The late application
11 fee for an operator license shall be \$20 in addition to the
12 normal license fee. A licensed operator shall be assessed a fee
13 of \$10 ~~\$5~~ for a duplicate license.

14 5. For the years 2011 and thereafter, the public or
15 commercial not-for-hire pesticide operator license fee shall
16 be \$15. Notwithstanding the other provisions of this paragraph,
17 beginning with the 2017 calendar year, the fee for a multi-year
18 commercial not-for-hire pesticide operator license fee shall
19 be \$45. The late application fee for a public or commercial
20 not-for-hire applicator license shall be \$20 in addition to the
21 normal license fees. A public or commercial not-for-hire
22 operator shall be assessed a fee of \$10 ~~\$5~~ for a duplicate
23 license.

24 (Source: P.A. 96-1310, eff. 7-27-10.)

1 Sec. 13. Pesticide dealers. Any pesticide dealer who sells
2 Restricted Use pesticides shall be registered with the
3 Department on forms provided by the Director. Beginning July 1,
4 2005, any pesticide dealer that sells non-restricted use
5 pesticides for use in the production of an agricultural
6 commodity in containers with a capacity of 2.5 gallons or
7 greater or 10 pounds or greater must also register with the
8 Department on forms provided by the Director. Registration
9 shall consist of passing a required examination and payment of
10 a \$100 registration fee. Notwithstanding the other provisions
11 of this Section, beginning with the 2017 calendar year, the
12 pesticide dealer registration fee for a multi-year
13 registration period shall be \$300. The late application fee for
14 a pesticide dealer registration shall be \$20 in addition to the
15 normal pesticide dealer registration fee. A pesticide dealer
16 shall be assessed a fee of \$10 ~~\$5~~ for a duplicate registration.

17 Dealers who hold a Structural Pest Control license with the
18 Illinois Department of Public Health or a Commercial
19 Applicator's license with the Illinois Department of
20 Agriculture are exempt from the registration fee but must
21 register with the Department.

22 Each place of business which sells restricted use
23 pesticides or non-restricted pesticides for use in the
24 production of an agricultural commodity in containers with a
25 capacity of 2.5 gallons or greater or 10 pounds or greater
26 shall be considered a separate entity for the purpose of

1 registration.

2 Registration as a pesticide dealer shall expire on December
3 31 of the each year in which it is to expire. Pesticide dealers
4 shall be certified in accordance with Section 9 of this Act.

5 The Director may prescribe, by rule, requirements for the
6 registration and testing of any pesticide dealer selling other
7 than restricted use pesticides and such rules shall include the
8 establishment of a registration fee in an amount not to exceed
9 the pesticide dealer registration fee.

10 The Department may refuse to issue or may suspend the
11 registration of any person who fails to file a return, or to
12 pay the tax, penalty, or interest shown in a filed return, or
13 to pay any final assessment of tax, penalty, or interest, as
14 required by any tax Act administered by the Illinois Department
15 of Revenue, until such time as the requirements of any such tax
16 Act are satisfied.

17 (Source: P.A. 94-60, eff. 6-20-05.)